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VIA ECF

Hon. P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl St.
New York, New York 10007

Re: Cruz v. TD Bank, N.A.
Case No. 10-cv-08026

Dear Judge Castel,

We represent the Plaintiffs and the putative class in the above captioned action.

Other than issues surrounding the timing of the filing of the proposed Second Amended Complaint, an issue remaining before this Court is whether the proposed Second Amended Complaint satisfies the Class Action Fairness Act (“CAFA”) monetary threshold pleading requirements. Accordingly, we respectfully write to the Court to draw the Court’s attention to the recent decision of the United States Supreme Court in *Dart Cherokee Basin Operating Co., LLC v. Owens*, 2014 WL 7010692 (December 15, 2014).

In *Dart*, the Court reaffirmed the principle that a plaintiffs’ amount in controversy allegations should be accepted if made in good faith. *Id.* at *5. The court further reaffirmed that proof of meeting the CAFA monetary threshold is not required for pleading or removal purposes. *Id.* In light of the foregoing and the case law previously submitted to this Court, Defendant’s arguments that Plaintiffs’ proposed Second Amended Complaint fails to satisfy the CAFA monetary threshold are without merit.

Respectfully submitted,

/s/
G. Oliver Koppell